IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI. REVISION APPLICATION NO. 06 OF 2005

Maxwell Industries Ltd., .. Applicant.

V/s.

M/s. Channel Two India & Ors. ..Respondents.

Shri Rajendra Sorankar for the Applicant.
Shri A.S. Gadkari, APP for Respondent No.3 -State.

CORAM : A.M.KHANWILKAR, J.
DATED : FEBRUARY 24, 2005

PC :-

1. This Revision takes exception to the order passed by the learned Metropolitan Magistrate, dated 4th November, 2004. Counsel for the applicant fairly submits that the applicant ought to have, in the first instance, approached the Sessions Court by way of revision application. Hence, liberty is sought to withdraw this petition with leave to file revision application before the appropriate court.

2. Accordingly, this petition is dismissed as withdrawn with liberty as prayed for.

3. It is made clear that the proposed revision application will be decided on its own merits in

accordance with law. The fact that the revision application to be filed before the Sessions Court, is barred by limitation, be considered in the light of the fact that the petitioner had approached this court for the same remedy within limitation but is now required to approach the Sessions Court in view of this order.

4. Ordered accordingly.

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